

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

SUHAIL NAJIM)	
ABDULLAH AL SHIMARI <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Case No. 1:08-cv-827 (LMB/JFA)
v.)	
)	
CACI PREMIER TECHNOLOGY, INC.)	
)	
Defendant.)	
)	
)	
CACI PREMIER TECHNOLOGY, INC.,)	
)	
Third-Party Plaintiff,)	
)	
v.)	
)	
UNITED STATES OF AMERICA, and)	
JOHN DOES 1-60,)	
)	
Third-Party Defendants.)	
)	

PLAINTIFFS' STATUS REPORT REGARDING THEIR APPEARANCE AT TRIAL

Pursuant to the Court's February 27, 2019 order (Dkt. 1143), Plaintiffs submit this report regarding their appearance at trial.

As of the date of this filing, none of the Plaintiffs has been granted permission to enter the United States. The United States Department of Homeland Security has denied the applications for public benefit parole that were submitted on behalf of Plaintiffs Al Shimari and Al Zuba'e. Accordingly, Plaintiffs Al Shimari and Al Zuba'e will likely testify at trial by videolink. They reserve their right, however, to testify live in the event that the United States Department of Homeland Security reconsiders its decision to deny them entry to the country.

Plaintiff Al Ejaili has applied for a visa and also submitted an application for public benefit parole.¹ Plaintiff Al Ejaili's visa application was denied under Immigration and Nationality Act § 221(g), though the United States Embassy in Stockholm has since requested additional information from Plaintiff Al Ejaili, which information he provided. His application status has been listed as "administrative processing" since January 7, 2019. Counsel for the United States have advised Plaintiffs that they requested the State Department to expedite Plaintiff Al Ejaili's administrative processing so that his visa application can be readjudicated. Plaintiff Al Ejaili's application for public benefit parole is pending. Counsel for the United States have advised Plaintiffs that they have requested that the Department of Homeland Security expedite its review of the parole application. In the event that either application is granted, Plaintiff Al Ejaili intends to testify live at trial. Nevertheless, Plaintiff Al Ejaili is pursuing arrangements to testify by videolink at trial, should his visa application remain denied after readjudication and his parole application be denied.

Plaintiffs are presently investigating alternative sites from which they can present testimony by video link. It is anticipated that one or more of Plaintiffs' attorneys will be present at the physical location at which each Plaintiff is situated for his testimony, with the interpreter situated in the courtroom. Plaintiffs will advise the other parties in advance of trial of the physical location from which each Plaintiff will testify. Opposing counsel will be welcome to be present at that location. In the event that a party that wishes to cross-examine any Plaintiff does not intend to have an attorney present at that location, Plaintiffs propose that they deliver any prospective cross-examination exhibits to Plaintiffs' counsel in a sealed envelope prior to trial. The envelopes will be opened and the documents presented to the witness at the time of

¹ The United States previously issued Plaintiff Al Ejaili a visa in 2013, which allowed him to travel to the United States for his deposition and independent medical examination in connection with this case.

live examination, as was the arrangement with respect to the video depositions. The envelopes will be opened if and when requested by the cross-examiner and presented to the witness by the Plaintiffs' attorney in attendance with the testifying Plaintiff.

Plaintiffs have conferred with Mr. Lance Bachman regarding the technical requirements associated with testifying by videolink and will make appropriate arrangements.

Respectfully submitted,

/s/ John Kenneth Zwerling

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CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2019, I electronically filed the foregoing document through the CM/ECF system, which sends notification to counsel for Defendants and the United States.

/s/ John Kenneth Zwerling
John Kenneth Zwerling (VA Bar #08201)